

EXHIBIT A



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Cas 44 Date of Filing: 08/29/2022	44-CV-2022-900175.00 CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA BRAD CURNUTT, CLERK Judge Code:
GENERAL INFORMATION			
IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA SHIRLEY JOHNSON v. GOODALL HOMES			
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:			
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____		OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> QTLB - Quiet Title Land Bank <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input checked="" type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property			
OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service			
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING R <input type="checkbox"/> REMANDED		A <input type="checkbox"/> APPEAL FROM DISTRICT COURT T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT O <input type="checkbox"/> OTHER	
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)	
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: THO231		8/29/2022 2:42:26 PM Date	
		/s/ DANIEL HUBERT THOMAS Signature of Attorney/Party filing this form	
MEDIATION REQUESTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED			
Election to Proceed under the Alabama Rules for Expedited Civil Actions:		<input type="checkbox"/> YES <input type="checkbox"/> NO	



IN THE CIRCUIT COURT OF LIMESTONE COUNTY ALABAMA

COMPLAINT

SHIRLEY JOHNSON,

Plaintiff,

v.

GOODALL HOMES,

Defendant,

CIVIL ACTION NO:

COMPLAINT FOR TRESPASS

Plaintiff Shirley Johnson, as owner of the property at 16380 Jones Road, Athens, AL 35613, by her attorney, Daniel Thomas, respectfully alleges as follows:

Preamble

1. Shirley Johnson, Plaintiff, is a resident of Alabama, and over the age of twenty-one (21) years. She is the owner of and is currently living at 16380 Jones Road, Athens, AL 35613.

2. Goodall Homes, Defendant, is a business with an Alabama office located at 415 Church Street, Building E, Suite 2, Huntsville, AL 35801. Goodall Homes is the homebuilder and developer of the Ricketts Farm subdivision. Limestone County property records for the lots owned by Goodall Homes list the mailing address as 393 MAPLE ST SUITE 100 GALLATIN TN 37066.

3. This civil action for indirect trespass, as defined in *Borland v. Sanders*, 369 So. 2d 523 (Ala. 1979), arises from the new and recurring severe flooding of Plaintiff's property at 16380 Jones Road, Athens, AL 35613 that has occurred since the alteration of the water drainage and run-off patterns of Defendant's property by its ongoing construction of the Ricketts Farm subdivision.

Statement of Facts

4. The Plaintiff's and Defendant's properties are in an unincorporated area of Limestone County. Defendant owns the property adjacent to the north and east of Plaintiff's property. Plaintiff's property is accessed from Jones Road, and Defendant's property is accessed through Kyle Lane which intersects Jones Road at the northwest corner of Plaintiff's property. Kyle Lane was developed along with the Ricketts Farm subdivision. The Defendant was and is constructing homes and roads on its property.

5. The Defendant raised the elevation of its property and decreased the permeability of its land. Defendant's drainage plan sends water toward Jones Road and the county's stormwater management roadside ditch. The Plaintiff's property is directly between the southern portion of Defendant's property and Jones Road.

6. The flooding of Plaintiff's property was so severe in the first week of April 2021 that her entire front yard bordering on Jones Road was under water. Rains the next month showed the red dirt used to raise the development ground level forming a continuous body of water between the area of the development and the Plaintiff's backyard, patio, and workshop. In repeated inundations the residence and outbuildings were breached by several inches of red dirt water. Plaintiff continues to experience a pattern of increased flooding with water levels dependent on the amount of rainfall.

7. Plaintiff has had to pay for the repair and maintenance of flood damaged property, and the value of her property has been greatly diminished.

Elements of Indirect Trespass

8. Water and red dirt and debris flowing from the area of construction and development by Defendant constitute an invasion of Plaintiff's property which affect her interest in the exclusive possession of her property.

9. The Defendant's raising of the level of the land with red dirt, and the Defendant's decreasing the permeability of its land constitute an intentional doing of actions which resulted in the invasion by water and dirt of the Plaintiff's property. The Defendant's construction plan intentionally sends water flowing from the twelve lots east of the Plaintiff's property in the east to west direction toward the Plaintiff's property.

10. The reasonable foreseeability that the Defendant's actions could result in an invasion of the plaintiff's possessory interest of her property is made clear by the Defendant's design to send water run-off in the east to west direction toward Jones Road and the county's stormwater management roadside ditch. Plaintiff's property is directly west of an approximately five hundred (500) foot long area cleared and backfilled with red dirt which was designed to drain in the east to west direction. The Defendant's construction plan places Plaintiff's property directly in the path of where its excess water run-off was intended to go. As a result of Defendant's intentional conduct, Defendant should be punished with the imposition of punitive damages.

11. Substantial damage to the Plaintiff's property has occurred. Flooding has done damage to every improvement and structure on the Plaintiff's property. The expense of replacing floors and cleaning up after floods adds to the challenge of

living amid repeatedly water inundated areas. Recurring flooding substantially diminishes the value of Plaintiff's property as a home. When the flooding issues first began, the Plaintiff attempted to make the Defendant aware of the severity so that they could be redressed, but she was ignored and further damage continued to occur. The Defendant's decision to not only ignore the Plaintiff's calls for help, but also to ignore the obvious presence of flooding on their neighbor's property, which they had to drive by every time they entered their construction area, further supports the assessment of punitive damages.

Demand for a Jury Trial

12. Plaintiff demands a jury trial as to all issues so triable as a matter of right, pursuant to AL R.C.P. 38(b) and 38(c).

Prayer for Relief

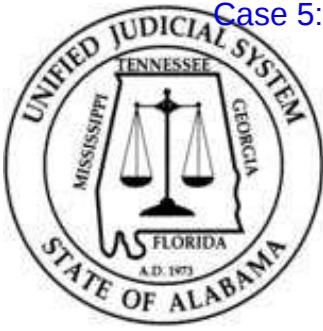
WHEREFORE, Plaintiff demands judgment against the Defendant in an amount commensurate with the damage to her property and the diminishment of the value of her property and an assessment of punitive damages.

Respectfully Submitted,

By: DANIEL THOMAS

/s/ Daniel Thomas_____

Daniel Thomas
AL Bar No.: ASB-0339-G00Z
1314 32nd St. S
Birmingham, AL 35205
(205)937-3119
Attorney for Plaintiff



AlaFile E-Notice

44-CV-2022-900173.00

To: DANIEL HUBERT THOMAS
danielhubertthomas@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

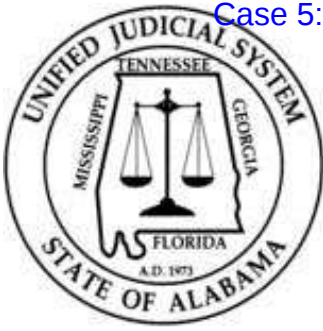
SHIRLEY JOHNSON V. GOODALL HOMES
44-CV-2022-900173.00

The following complaint was FILED on 8/29/2022 2:42:35 PM

Notice Date: 8/29/2022 2:42:35 PM

BRAD CURNUTT
CIRCUIT COURT CLERK
LIMESTONE COUNTY, ALABAMA
200 WASHINGTON STREET WEST
ATHENS, AL, 35611

256-233-6406
brad.curnutt@alacourt.gov



AlaFile E-Notice

44-CV-2022-900173.00

To: GOODALL HOMES
393 MAPLE ST.
SUITE 100
GALLATIN, TN, 37066

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

SHIRLEY JOHNSON V. GOODALL HOMES
44-CV-2022-900173.00

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State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 44-CV-2022-900173.00
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IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA
SHIRLEY JOHNSON V. GOODALL HOMES

NOTICE TO: GOODALL HOMES, 393 MAPLE ST. SUITE 100, GALLATIN, TN 37066
(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), DANIEL HUBERT THOMAS
(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 1314 32ND ST. SOUTH, BIRMINGHAM, AL 35205
(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of SHIRLEY JOHNSON
(Name(s))
pursuant to the Alabama Rules of the Civil Procedure.

08/29/2022 /s/ BRAD CURNUTT By: _____
(Date) *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ DANIEL HUBERT THOMAS
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 44-CV-2022-900173.00
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IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA
SHIRLEY JOHNSON V. GOODALL HOMES

NOTICE TO: GOODALL HOMES, 393 MAPLE ST. SUITE 100, GALLATIN, TN 37066

(Name and Address of Defendant)

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(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 1314 32ND ST. SOUTH, BIRMINGHAM, AL 35205

(Address(es) of Plaintiff(s) or Attorney(s))

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 pursuant to the Alabama Rules of the Civil Procedure. *(Name(s))*

08/29/2022 /s/ BRAD CURNUTT By: CS
(Date) *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ DANIEL HUBERT THOMAS
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,
(Name of Person Served) *(Name of County)*


Alabama on _____
(Date)

(Type of Process Server) *(Server's Signature)*

(Server's Printed Name)

44-CV-2022-900173
 SHIRLEY JOHNSON V. GOODALL

C001 - SHIRLEY JOHNSON v. _____
(Plaintiff)



702J 2720 0003 0237 3794

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and Fees \$ _____ Sent To _____ Street and Apt. No., or PO Box No. _____ City, State, ZIP+4® _____	Postmark Here
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

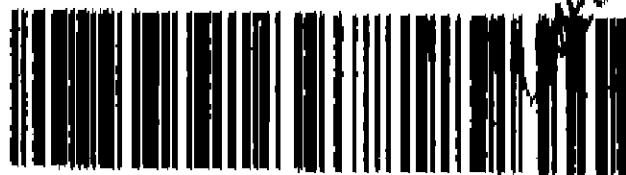
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GOODALL HOMES

393 MAPLE ST.
SUITE 100

GALLATIN, TN 37066



9590 9402 6951 1104 2479 76

2. Article Number (Transfer from service label)

7021 2720 0003 0237 3799

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Mary Nolan

☐ Agent☐ Addressee**B. Received by (Printed Name)**

Mary Nolan

C. Date of Delivery

9/1/22

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

09-22-9100173 SK

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery
(X)

USPS TRACKING#**NASHVILLE TN 370****SEP 2022 PM 6 L**

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

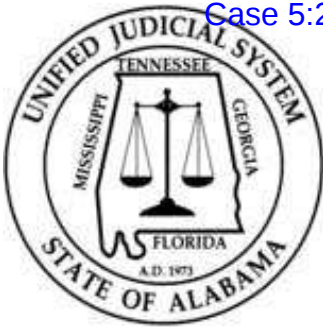
9590 9402 6951 1104 2479 76

United States
Postal Service

*** Sender: Please print your name, address, and ZIP+4® in this box***

Brad Curnutt, Clerk
Circuit Court, Limestone County
200 Washington St., West
Athens, AL 35611





AlaFile E-Notice

44-CV-2022-900173.00

Judge: MATTHEW R. HUGGINS

To: THOMAS DANIEL HUBERT
danielhubertthomas@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

SHIRLEY JOHNSON V. GOODALL HOMES
44-CV-2022-900173.00

The following matter was served on 9/1/2022

D001 GOODALL HOMES

Corresponding To
CERTIFIED MAIL

BRAD CURNUTT
CIRCUIT COURT CLERK
LIMESTONE COUNTY, ALABAMA
200 WASHINGTON STREET WEST
ATHENS, AL, 35611

256-233-6406
brad.curnutt@alacourt.gov